

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
<hr/>	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:	)	Subcategory No. 06-11337-PBS
	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	
<i>the Florida Keys, Inc. v. Dey, Inc., et al., Civil</i>	)	Hon. Patti B. Saris
Action No. 05-11084-PBS	)	

**JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL**

The Plaintiffs United States and Relator Ven-a-Care of the Florida Keys, Inc., and Defendants Dey, Inc., Dey Pharma, L.P. (formerly known as Dey, L.P.) and Dey L.P., Inc., hereby move the Court to extend the 90-day Order of Dismissal of August 10, 2010 (Master Doc. #7222), to allow the parties an additional 14 days to conclude their settlement discussions before an Order of Dismissal becomes final.<sup>1</sup>

After the parties reported to the Court that they had reached agreement in principle on a settlement, the Court on August 10, 2010, entered an Order of Dismissal which stated, “It is hereby ORDERED that this action is hereby dismissed as to Dey, Inc. without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within 90 days.” Master Doc. #7222. At the request of the parties (see Master Doc. #7294, Subcategory #829), the Court on November 19, 2010, extended the

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<sup>1</sup> In the event the Court declines to extend the deadline, the Plaintiffs United States and Relator Ven-a-Care of the Florida Keys, Inc. request that the Court reopen the action.

expiration date of the 90-day Order of Dismissal for an additional 30 days, to December 8, 2010.

Counsel for the parties believe their negotiations are complete, but the parties need an additional 14 days in which to obtain the necessary approvals and signatures to the settlement documents and file a proposed Order of Dismissal in accordance with the terms of the settlement. Accordingly, the parties request that the Court modify its 90-day Order of Dismissal of August 10, 2010, as modified by the Court's Order of November 19, 2010, to allow the parties an additional 14 days, to and until December 22, 2010, to obtain the necessary approvals and signatures.

Respectfully submitted,

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#### CERTIFICATION

The undersigned counsel certifies pursuant to LR 7.1(A)(2) that counsel have conferred concerning this motion.

/s/ George B. Henderson, II  
George B. Henderson, II

#### CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: December 6, 2010

/s/ George B. Henderson, II  
George B. Henderson, II